

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE: : CASE NO. 10-93904-BHL-11

EASTERN LIVESTOCK CO., LLC, : (Judge Basil H. Lorch III)

Debtor. : **MOTION OF THE FIRST BANK**
: **AND TRUST COMPANY TO**
: **REMOVE TRUSTEE PURSUANT**
: **TO 11 U.S.C. § 324**

:

The First Bank and Trust Company ("First Bank), by counsel, respectfully requests that the Court enter an order removing James A. Knauer as Chapter 11 Trustee (the "Trustee"), pursuant to 11 U.S.C. §§324 and 1104 and states as follows:

1. On July 10, 2012, counsel for several creditors filed a Motion to Remove Trustee Pursuant to 11 U.S.C. §324 on behalf of Bluegrass Stockyards East, LLC, Bluegrass Stockyards, LLC, Bluegrass-Maysville Stockyards, LLC, Bluegrass Stockyards of Richmond, LLC, Bluegrass South Livestock Market, LLC, Bluegrass Stockyards of Campbellsville, LLC, East Tennessee Livestock Center, Inc., Southeast Livestock Exchange, LLC, Moseley Cattle Auction, Inc., Piedmont Livestock Company, Inc. and Alton Darnell [Dkt. No. 1237].

2. For the reasons set forth therein, incorporated fully by reference, First Bank also seeks removal of the Trustee. First Bank also incorporates fully by reference the Renewal of Objection of The First Bank and Trust Company to Application to Employ Baker & Daniels, LLP (n/k/a Faegre Baker Daniels LLP) as Counsel to Chapter 11 Trustee [Dkt. No. 1238]. The inexorable conflicts of interest the Trustee and his Primary Counsel have

deliberately chosen not to disclose taint the entire process of this bankruptcy and the recovery of any significant funds for creditors other than Fifth Third Bank and Wells Fargo Bank. The Court should address the fundamental threshold issues of the removal of the Trustee and his Counsel before proceeding further with any motions, hearings, contested matters or adversary proceedings. Moreover, as First Bank has renewed its Objection to the Application for Employment of Trustee Counsel, he should be required to have independent separate counsel represent him if he intends to oppose these motions.

WHEREFORE, First Bank respectfully requests that the Court enter an order (i) removing the Trustee; (ii) expressly preserving and reserving all parties rights' in relation to any further remedies; and (iii) for such further relief as the Court deems appropriate.

Respectfully submitted,

/s/ Daniel J. Donnellon

Daniel J. Donnellon, pro hac vice
Stephen A. Weigand, pro hac vice
FARUKI IRELAND & COX P.L.L.
201 East Fifth Street, Suite 1420
Cincinnati, OH 45202
Telephone: (513) 632-0300
Telecopier: (513) 632-0319
Email: ddonnellan@fclaw.com
sweigand@fclaw.com

Attorneys for The First Bank and Trust
Company

CERTIFICATE OF SERVICE

I certify that on the 10th day of July, 2012, I electronically filed the foregoing Motion of The First Bank and Trust Company to Remove Trustee Pursuant To 11 U.S.C. § 324 with the Clerk of Courts using the CM/ECF system, which will send notification of such filing to CM/ECF participants:

David L. Abt davidabt@mwt.net	John Frederick Massouh john.massouh@sprouselaw.com	Judy Hamilton Morse judy.morse@crowedunlevy.com
C.R. Bowles, Jr crb@gdm.com	John W. Ames jwa@gdm.com	John M. Thompson john.thompson@crowedunlevy.com
James A. Knauer jak@kgrlaw.com	Robert Hughes Foree robertforee@bellsouth.net	Jessica E. Yates jyates@swlaw.com
John Hunt Lovell john@lovell-law.net	Kim Martin Lewis kim.lewis@dinslaw.com	Matthew J. Ochs matt.ochs@moyewhite.com
Mark A. Robinson mrobinson@vhrlaw.com	Jeremy S Rogers Jeremy.Rogers@dinslaw.com	Laura Day Delcotto ldelcotto@dlgfirm.com
Jeffrey R Erler jeffe@bellnunnally.com	Ivana B. Shallcross ibs@gdm.com	Kelly Greene McConnell lisahughes@givenspursley.com
Edward M King tking@fbtlaw.com	Deborah Caruso decaruso@daleek.com	T. Kent Barber kbarber@dlgfirm.com
Randall D. LaTour rdlatour@vorys.com	Meredith R. Thomas mthomas@daleeke.com	Ross A. Plourde ross.plourde@mcafeetaft.com
Bret S. Clement bclement@acs-law.com	William Robert Meyer, II rmeyer@stites.com	Walter Scott Newbern wsnewbern@msn.com
John R. Carr, III jrciii@acs-law.com	Christie A. Moore cm@gdm.com	Kirk Crutcher kcrutcher@mcs-law.com
James M. Carr jim.carr@bakerd.com	Allen Morris amorris@stites.com	Todd J. Johnston tjohnston@mcjllp.com
Robert K. Stanley robert.stanley@bakerd.com	James Bryan Johnston bjtexas59@hotmail.com	Timothy T. Pridmore tpridmore@mcjllp.com
Terry E. Hall terry.hall@bakerd.com	James T. Young james@rubin-levin.net	Theodore A Konstantinopoulos ndohbky@jbandr.com
Dustin R. DeNeal dustin.deneal@bakerd.com	David L. LeBas dlebas@namanhowell.com	Karen L. Lobring lobring@msn.com

Sandra D. Freeburger sfreeburger@dsf-atty.com	Jerald I. Ancel jancel@taftlaw.com	Harmony A. Mappes Harmony.mappes@faegrebd.com
Lisa Kock Bryant courtmail@fbhllaw.net	Jeffrey J. Graham jgraham@taftlaw.com	James B. Lind jblind@vorys.com
Elliott D. Levin robin@rubin-levin.net edl@trustesoultions.com	Trevor L. Earl tearl@rwsvlaw.com	James E. Rossow, Jr. jim@rubin-levin.net
John M. Rogers johnr@rubin-levin.net	Christopher E. Baker cbaker@hklawfirm.com	Jeffrey R. Erler jeffe@bellnunnally.com
Jeremy S. Rogers Jeremy.rogers@dinslaw.com	David Alan Domina dad@dominalaw.com	Kelly Greene McConnell lisahughes@givenspursley.com
John David Hoover jdhoover@hovverhull.com	Kent A Britt kabritt@vorys.com	Kevin M. Toner Kevin.toner@faegrebd.com
Sean T. White swhite@hooverhull.com	Joshua N. Stine jnstine@vorys.com	Kim Martin Lewis Kim.lewis@dinslaw.com
Robert H. Foree robertforee@bellsouth.net	Jill Zengler Julian Jill.Julian@usdoj.gov	Melissa S. Giberson msgiverson@vorys.com
Sarah Stites Fanzini sfanzini@hopperblackwell.com	Jeffrey L. Hunter jeff.hunter@usdoj.gov	John Huffaker John.huffaker@sprouselaw.com
Michael W. McClain mike@kentuckytrial.com	Amelia Martin Adams aadams@gldfirm.com	Shawna M. Eikenberry Shawna.eikenberry@faegrebd.com
William E. Smith wsmith@k-glaw.com	Michael Wayne Oyler moyler@rwsvlaw.com	Wendy W. Ponader Wendy.ponader@faegrebd.com
Susan K. Roberts skr@stuartlaw.com	Jason W. Cottrell jwc@stuartlaw.com	
James Edwin McGhee mcghee@derbycitylaw.com	Robert A. Bell rabell@vorys.com	
Thomas C. Scherer tscherer@binghamchale.com	Andrea L. Wasson andrewassonatty@gmail.com	
David A. Laird david.laird@moyewhite.com	Anthony G. Raluy traluy@fbhllaw.net	

/s/ Daniel J. Donnellon
Daniel J. Donnellon